

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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KARIM ARZADI, JOWORISAK & ASSOCIATES, LLC,
f/k/a ARZADI, JOWORISAK & ASSOCIATES and
LAW OFFICES OF KARIM ARZADI,

Civil Action No. 2:17-cv-05470

Plaintiffs,

-against-

EVANSTON INSURANCE COMPANY,
and ABC INSURANCE COMPANY, 1-10,

Defendants.
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**CERTIFICATION OF CHRISTINA R. SALEM, ESQ. IN SUPPORT OF
EVANSTON INSURANCE COMPANY'S MOTION TO REOPEN THIS CASE TO
COMPEL PLAINTIFFS' COMPLIANCE WITH THIS COURT'S
FEBRUARY 7, 2018 ORDER**

Pursuant to 28 U.S.C.A. § 1746, I, Christina R. Salem, Certify:

1. I am a partner with the law firm Kennedys CMK LLP, counsel for defendant Evanston Insurance ("Evanston") in the above-captioned matter. As such, I am fully familiar with the facts set forth herein. I submit this Certification in support of Evanston's motion to reopen this case for the limited purpose of compelling Plaintiffs Karim Arzadi ("Arzadi"), Joworisak & Associates, LLC, f/k/a Arzadi, Joworisak & Associates and Law Offices of Karim Arzadi (collectively the "Plaintiffs") to comply with this Court's February 7, 2018 Order and cooperate with Evanston in the handling of their defense in the relevant underlying lawsuit.

2. In its February 7, 2018 Order (the "Order"), a true and correct copy of which is attached hereto as Exhibit A, this Court granted Plaintiffs' Motion for Partial Summary Judgment on the limited issue of whether Evanston has a duty to defend the Plaintiffs in the underlying matter styled *All State New Jersey Insurance Company, et al. v. Anhuar Bandy, et al.*,

Case No. OCN L 00019-17, filed in the Superior Court of the State of New Jersey, Ocean County (the “Allstate Suit”).

3. Attached hereto as Exhibit B is a true and correct copy of the Complaint filed in the *Allstate* Suit, .

4. Attached hereto as Exhibit C is a true and correct copy of Evanston’s disclaimer of coverage to the Plaintiffs for the Allstate Suit under Policy No. LA808257, effective May 23, 2016 to May 23, 2017 (the “Policy”).

5. Attached hereto as Exhibit D is a true and correct copy of this Court’s April 10, 2018 Order denying Evanston’s request for reconsideration of the Order’s ruling.

6. Attached hereto as Exhibit E is a true and correct copy of the Evanston Policy.

7. Attached hereto as Exhibit F is Evanston’s April 12, 2018 correspondence to the Plaintiffs seeking information from the Plaintiffs to prepare for the assumption of Plaintiffs’ defense in the Allstate Suit.

8. This Court conducted a conference on May 16, 2018, at which time, the Court directed that: (1) Arzadi’s examination under oath (“EUO”) is to be conducted on or before June 6, 2018; (2) the Plaintiffs must provide all defense counsel information that Evanston requested from Plaintiffs on or before May 18, 2018; and (3) a follow up court conference would be held on June 6, 2018 to ensure that these Court directives have been complied with. Attached hereto as Exhibit G is a true and correct copy of Evanston’s May 22, 2018 letter to the court memorializing the Court’s directives at the May 16, 2018 conference.

9. Attached hereto as Exhibit H is a true and correct copy of Plaintiffs’ Motion for a Protective Order and to Stay Proceedings (“Plaintiffs’ Motion”).

10. Attached hereto as Exhibit I is a true and correct copy of Plaintiffs' May 23, 2018 correspondence to Evanston.

11. Attached hereto as Exhibit J is a true and correct copy of Evanston's correspondence to Plaintiffs.

12. The Court conducted numerous conferences with the parties regarding Plaintiffs' Motion and, in an effort to avoid expenditure of fees to litigate it, ultimately requested that Plaintiffs agree that Arzadi submit to the EUO. Plaintiffs sent a letter to Evanston on June 1, 2018 stating that Arzadi is "willing to agree to an EUO, on certain conditions." A true and correct copy of Plaintiffs' June 1, 2018 letter to Evanston is attached hereto as Exhibit K.

13. At a subsequent conference, this Court requested that the parties consider a proposal to expedite the taking of Arzadi's EUO. This Court directed the parties to consider agreeing to conduct Arzadi's EUO if his deposition in the Allstate Suit did not occur within six months of that conference date. While the parties were considering this proposal, and before Evanston's time to submit its opposition to Plaintiffs' Motion, on June 11, 2018, this Court administratively terminated this suit pending disposition of the Allstate Suit, without prejudice to the right of the parties to re-open it. Attached hereto as Exhibit L is a true and correct copy of this Court's June 11, 2018 Order.

14. Attached hereto as Exhibit M is a true and correct copy of Evanston's July 9, 2018 letter to Plaintiffs.

15. Attached hereto as Exhibit N is a true and correct copy of Plaintiffs' July 30, 2018 letter to Evanston.

16. Attached hereto as Exhibit O is a true and correct copy of Evanston's September 7, 2018 letter to Plaintiffs.

17. Attached hereto as Exhibit P is a true and correct copy of Evanston's January 23, 2019 email to Plaintiffs.

18. Attached hereto as Exhibit Q is a true and correct copy of Evanston's February 14, 2019 email to Plaintiffs.

19. Attached hereto as Exhibit R is a true and correct copy of Evanston's October 16, 2019 email to Plaintiffs.

20. As of this date, Plaintiffs have yet to advise Evanston as to whether they are accepting or rejecting Evanston's defense offering for the Allstate Suit and have not submitted to the EUO.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on December 31, 2019, in New York, New York.

/s/ Christina R. Salem
CHRISTINA R. SALEM